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10 Attorneys for Plaintiffs
DENNIS MONTGOMERY, and the MONTGOMERY
11 FAMILY TRUST

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 DENNIS MONTGOMERY and the
MONTGOMERY FAMILY TRUST,

16 Plaintiffs,

17 vs.

18 ETREPPID TECHNOLOGIES, LLC, WARREN
19 TREPP, and the UNITED STATES
DEPARTMENT OF DEFENSE,

20 Defendants.
21
22
23

AND RELATED CASES.

) Case No. 3:06-CV-00056-PMP-VPC
) BASE FILE

) (Consolidated with Case No. 3:06-CV-
) 00145-PMP-VPC)

) **[PROPOSED] STIPULATION AND**
) **DISMISSAL WITH PREJUDICE**

1 WHEREAS Dennis Montgomery, the Montgomery Family Trust, eTreppid Technologies,
2 LLC, Warren Trepp, Edra Blixseth and Opspring LLC (collectively, the “Parties”) are parties to a
3 dispute arising from the ownership of certain technology described in the Complaints and
4 Counterclaims;

5 WHEREAS Plaintiffs Dennis Montgomery and the Montgomery Family Trust (collectively,
6 the “Montgomery Parties”) have asserted claims against Defendants eTreppid Technologies, LLC
7 and Warren Trepp (collectively, the “eTreppid Parties”) in Montgomery, et al. v. eTreppid
8 Technologies, LLC, et al., Case No. 3:06 CV-00056-BES-VPC (Base File) and Case No. 3:06-CV-
9 00145-PMP-VPC (the “Lawsuit”);

10 WHEREAS Defendant and Counter-counterclaimant eTreppid Technologies, LLC
11 (“eTreppid”) has asserted counter-claims against the Montgomery Parties, Edra Blixseth and
12 Opspring, LLC;

13 WHEREAS the Parties desire to fully resolve and settle all claims and counter-claims
14 asserted by and against the Parties to the Lawsuit;

15 WHEREAS the Parties have agreed to a settlement of the claims and counter-claims
16 asserted by and against the Parties in the Lawsuit (the “Settlement Agreement”);

17 NOW, THEREFORE, the Parties hereby agree and stipulate as follows:

18 1. The Montgomery Parties shall dismiss with prejudice all claims asserted in their
19 First Amended Complaint and Counterclaim against the eTreppid Parties in the Lawsuit.

20 2. eTreppid Technologies, LLC shall dismiss with prejudice all Complaints and
21 Counter-claims asserted against the Montgomery Parties, Edra Blixseth and Opspring, LLC in the
22 Lawsuit.

23 3. Notwithstanding the above-referenced dismissals with prejudice, the Court shall
24 retain jurisdiction over the following: (1) the eTreppid Parties’ claims against Atigeo LLC and
25 Michael Sandoval as third party defendants; (2) issues relating to Michael Flynn’s (“Mr. Flynn”) attorney’s fees (Docket Nos. 502 and 584); (3) Mr. Flynn’s motion to establish Rule 3.3 procedures
26 pursuant to the Nevada Rules of Professional Conduct (Docket No. 540); (4) Mr. Flynn’s motion
27 for sanctions (Docket No. 545); (5) compliance with the United States Protective Orders (Docket
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1 Nos. 252 and 253); and (6) enforcement of the confidentiality and mutual non-disparagement
2 provision of the Parties' Settlement Agreement.

3 4. The terms of the Parties' Settlement Agreement shall remain confidential.
4

5 Dated: September 26, 2008

LINER YANKELEVITZ
SUNSHINE & REGENSTREIF LLP

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8 By: /s/ Ellyn S. Garofalo

Ellyn S. Garofalo
Attorneys for DENNIS MONTGOMERY,
9 the MONTGOMERY FAMILY TRUST,
EDRA BLIXETH, AND OPSRING LLC
10

11 Dated: September 26, 2008

HOLLAND & HART LLP

12
13 By: /s/ J. Stephen Peek

J. Stephen Peek
Attorneys for ETREPPID TECHNOLOGIES,
14 LLC and WARREN TREPP
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices Of Liner Yankelevitz Sunshine & Regenstreif LLP, and that on September 26, 2008, I caused to be served the within document described as **[PROPOSED] STIPULATION AND DISMISSAL WITH PREJUDICE** on the interested parties in this action as stated below:

<p>J. Stephen Peek, Esq. Jerry M. Snyder, Esq. Adam G. Lang, Esq. Shane M. Biornstad, Esq. Holland & Hart LLP 5441 Kietzke Lane, Second Floor Reno, Nevada 89511 (775) 327-3000; 786-6179 - FAX speek@hollandhard.com; jsnyder@hollandhart.com; alang@hollandhart.com; sbiornstad@hollandhart.com Attorneys for eTrepid and Warren Trepid</p>	<p>Carlotta P. Wells, Sr. Trial Counsel U.S. Dept. of Justice Fed. Programs Branch Civil Division, Room 7150 20 Massachusetts Avenue, NW Post Office Box 883 Washington, D.C. 20044 (202) 514-4522; 616-8470 - FAX E-mail: Carlotta.wells@usdoj.gov Attorneys for Department of Defense</p>
<p>Reid H. Weingarten, Esq. Brian M. Heberlig, Esq. Robert A. Ayers, Esq. Steptoe & Johnson, LLP 1330 Connecticut Avenue, N.W. Washington, D.C. 20036-1795 (202) 429-3000; (202) 429-3902 - FAX rweingarten@steptoe.com; bheberlig@steptoe.com; rayers@steptoe.com Attorneys for eTrepid and Warren Trepid</p>	<p>Raphael O. Gomez, Esq., Sr. Trial Counsel U.S. Dept. of Justice, Fed. Programs Branch Civil Division, Room 6144 20 Massachusetts Avenue, NW Post Office Box 883 Washington, D.C. 20044 (202) 514-1318; 616-8470 - FAX E-mail: raphael.gomez@usdoj.gov Attorneys for Department of Defense</p>
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<p>Roland Tellis, Esq. Marshall B. Grossman, Esq. Heather L. Ristau, Esq. Bingham McCutchen LLP The Water Garden 1620 26th Street, Fourth Floor, North Tower Santa Monica, CA 90404-4060 Fax: (310) 907-2143 E-mail: roland.tellis@bingham.com; marshall.grossman@bingham.com; heather.ristau@bingham.com Attorneys for Michael Sandoval</p>	<p>Robert E. Rohde, Esq. Gregory Schwartz, Esq. Rohde & Van Kampen 1001 Fourth Avenue, Suite 4050 Seattle, Washington 98154 Fax: (206) 405-2825 E-mail: brohde@rohdelaw.com; gschwartz@rohdelaw.com Attorneys for Atigeo LLC</p>

☒ **[ELECTRONIC]** By filing the document(s) electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document(s) to the persons listed above at their respective email address.

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the foregoing is true and correct.

3 Executed on September 26, 2008, at Los Angeles, California.

4 Ellyn S. Garofalo
5 (Type or print name)

/s/ Ellyn S. Garofalo
6 (Signature)